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International Covenant on Civil and Political Rights

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Human Rights Committee
Sixty-fifth session

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Costa Rica

1. The Committee considered the fourth report of Costa Rica (CCPR/C/103/Add.6) at its 1745th and 1746th meetings (CCPR/SR.1745–1746), held on 5 April 1999, and adopted the following concluding observations at its 1751st meeting (CCPR/C/SR.1751), held on 8 April 1999.

A. Introduction

2. The Committee welcomes the presentation by the delegation of the fourth periodic report of Costa Rica. It also expresses its appreciation for its comprehensive responses to the Committee's written and oral questions.

B. Principal positive aspects

3. The Committee notes with satisfaction that in Costa Rica international human rights treaties have primacy over domestic law.

4. The Committee welcomes the progress made by the Office of the Ombudsman in dealing with violations of human rights.

5. The Committee takes note of measures to enhance equality between men and women and welcomes in this regard the drawing up of affirmative action plans. It also notes that the Labour Code guaranteeing women's rights on the basis of article 33 of the Constitution has helped to secure greater equality for women.

6. The Committee commends the State party for the establishment of a Ministry for Women's Affairs, and for the development of national plans aimed at combating domestic violence.

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7. The Committee commends the State party for its ratification of the Second Optional Protocol, aiming at the abolition of the death penalty.

8. The Committee notes with satisfaction the entry into force of a new Code of Criminal Procedure. In particular, it welcomes the provision of alternatives to prison sentences, through fines and payment of damages, community service, re-education and conciliation between offenders and victims. It also takes note of measures which are planned to reduce crowding in the prisons.

C. Principal areas of concern and recommendations

9. The Committee regrets that, despite its comments on earlier reports, the fourth periodic report does not sufficiently address, under the appropriate articles, the practical implementation of human rights in Costa Rica since the submission of the State party's third report.

10. The Committee notes that the report is unclear about the scope and effect of the remedy of *amparo*. The Committee therefore recommends that the State party include in its next periodic report a precise explanation, with examples to illustrate its application in respect of public and private agencies.

11. The Committee notes with concern the consequences for women, including the danger to life involved in clandestine abortions, of the continuing criminalization of all abortions. The Committee recommends that the law be amended to introduce exceptions to the general prohibition of all abortions.

12. The Committee is concerned that violence against women and domestic violence in particular is on the increase in Costa Rica. It recommends that all necessary measures, including the enactment of appropriate legislation, be taken to protect women in these areas.

13. The Committee notes with concern that, although the State party affirms that no cases of torture have occurred in Costa Rica, it has not received adequate information about legislation and other measures designed to prevent and punish torture and other cruel and inhuman acts.

14. The Committee remains concerned that individuals awaiting trial may spend long terms in detention after indictment. The State party should ensure that its law and practice in this matter comply with article 9, paragraph 3, and article 14, paragraphs 2 and 3 (c), of the Covenant.

15. The Committee recommends that further data be provided on alleged cases of discrimination in the public and private sectors, and remedies to deal with such cases.

16. The Committee remains concerned at the fact that religious discrimination in education and other aspects of Costa Rican life continues to be embodied in domestic legislation, as noted in its previous concluding observations. The Committee reiterates the State party's obligation to bring domestic legislation into harmony with the Covenant and requests the State party to report on the implementation of this recommendation.

17. The Committee notes with concern that freedom of association, including the right to collective bargaining, is not adequately respected in conformity with article 22 of the Covenant. It reiterates in particular the concern expressed in its previous concluding observations that workers in small agricultural businesses do not receive adequate protection against reprisals for attempts to form associations and trade unions. The Committee wishes to stress that the State party should guarantee the enjoyment of rights by all individuals and

therefore recommends once again that it consider steps to review and, where necessary, reform labour legislation, to introduce measures of protection to ensure that workers have access to speedy and effective remedies, and to ensure that freedom of association, as guaranteed under article 22 of the Covenant, is enjoyed by all workers in Costa Rica.

18. The Committee is deeply concerned at the high incidence of commercial sexual exploitation of children in Costa Rica, apparently often related to tourism. It notes the creation of a National Board for the Protection of the Child and amendments to the Criminal Code to criminalize the sexual exploitation of children. The Committee urges the State party to take further measures to eradicate this phenomenon, in cooperation as appropriate with other States, through the investigation and prosecution of the crimes in question.

19. The Committee further notes with concern an increase in child labour and school drop-outs, and that no effective remedies are in place.

20. The Committee notes that, despite improvements, laws aimed at gender equality have not had their intended effect, in particular with regard to equal pay, and recommends that the State party take all steps necessary to give effect to its commitments in law, and to bring about the necessary cultural and attitudinal changes that must accompany them, through educational and other programmes.

21. The Committee remains concerned that article 27 of the Covenant is not adequately dealt with by the State party in its fourth periodic report. It reiterates its previous recommendation that future reports should contain, *inter alia*, detailed and updated information on the extent to which each of the rights protected under the Covenant, including article 27, are enjoyed in actual practice by the members of indigenous communities. Although it notes the State party's establishment of CONAI (Comisión Nacional Indígena), and the enactment of a bill to implement the Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, it remains concerned at the lack of effective remedies for indigenous people in Costa Rica.

22. The Committee sets the date for the submission of Costa Rica's fifth periodic report as _____ It urges the State party to make available to the public the text of its fourth report and the present concluding observations. It also requests that the next periodic report be disseminated to the public and to appropriate non-governmental organizations.